

Message Text

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ORIGIN NODS-00

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TO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 294330 TOSEC 120083

EXDIS DISTRIBUTE AS NODIS

FOLLOWING REPEAT SEOUL 10405 ACTION SECSTATE DEC 9

QUOTE S E C R E T SEOUL 10405

EXDIS - DISTRIBUTE AS NODIS

E.O., 11652: GDS

TAGS: PGOV, KS, US

SUBJ: US-KOREAN COOPERATION ON TONGSUN PARK AFFAIR: PUBLIC
JOINT STATEMENT AND SCENARIO

REF: A. STATE 293600, B. STATE 293708

SUMMARY: POLCOUNS REVIEWS REVISED TEXT WITH PAK SANG YONG.
KOREAN SIDE SERIOUSLY CONCERNED OVER ADDED STEPS AND EFFECT
ON TIMING. ENDS SUMMARY.

1. POLCOUNS CLARK MET WITH MOFA AMERICAN AFFAIRS BUREAU
PAK SANG YONG MORNING DECEMBER 9 TO DISCUSS REVISED TEXT
OF PUBLIC JOINT STATEMENT PROVIDED REFTEL A. DRAWING
VERY CAREFULLY ON RATIONALE PROVIDED REFTEL A, POLCOUNS
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TOOK PAK STEP-BY-STEP THROUGH REVISED TEXT. POLCOUNS
NOTED ARGUMENTATION PROVIDED FOR EACH CHANGE AND OVERALL
COMMENT THAT TEXT WAS DESIGNED TO BE OF MAXIMUM ASSISTANCE
WITH CONGRESS AND THAT DETAILS DELETED WOULD APPEAR IN
MUTUAL PROSECUTION ASSISTANCE AGREEMENT. WHILE EXPRESSING
CONCERN THAT US HAD NOT BEEN ABLE TO MEET ROKG REQUEST
RE GUARANTEE PARK WOULD BE RETURNED TO KOREA FOLLOWING
TESTIMONY, PAK NONETHELESS APPEARED IMPRESSED BY
RATIONALE
PROVIDED FOR MANNER IN WHICH POSSIBILITY

OF PARK'S REMAINING IN US COULD BE AVOIDED.

2. PAK'S MAJOR CONCERNS ON REVISED TEXT INVOLVED DELETIONS FROM ROK PROPOSAL FOR WHICH DIRECT RATIONALE NOT PROVIDED. AT THE END OF PARA 4.C., HE THOUGHT IT WOULD STILL BE NECESSARY TO INCLUDE FOLLOWING SENTENCE: QUOTE THE PROSECUTION'S QUESTIONING AT THE COURT WILL NOT CONCERN MR TONGSUN PARK'S ALLEGED CONNECTION WITH THE KOREAN GOVERNMENT OR ITS OFFICIALS UNQUOTE. HE ALSO THOUGHT THAT FOR PUBLIC APPEARANCE THAT ROKG WAS NOT ABANDONING PARK TO THE MERCIES OF THE US GOVERNMENT, AND AS A SIGNAL TO PARK HIMSELF, IT WAS NECESSARY TO REINCLUDE PART 5 OF THE ROK PROPOSAL CONCERNING THE RIGHT TO RECALL MR TONGSUN PARK. PAK SAID HE WOULD, OF COURSE, BEGIN DISCUSSION WITH RESPONSIBLE OFFICIALS ON THE REVISED TEXT AS SOON AS POSSIBLE BUT WAS CONCERNED, IN LIGHT OF MAJOR REVISION, THAT THIS MIGHT TAKE SOME TIME AND THAT HOPED FOR EARLY CONCLUSION MIGHT NOT BE POSSIBLE.

3. POLCOUNS THEN PROCEEDED TO DESCRIBE FULLY TO PAK STEPS WE SAW NECESSARY PRIOR TO ISSUANCE OF A JOINT STATEMENT ON THE TONGSUN PARK AFFAIR. WHILE OBVIOUSLY
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INCLINED TO INTERRUPT DURING PRESENTATION, PAK RESTRAINED HIMSELF UNTIL ALL FOUR STEPS HAD BEEN FULLY OUTLINED. HIS OVERALL RESPONSE WAS THAT WE HAD JUST LOST GROUND IN OUR EFFORT TO REACH AN EARLY CONCLUSION.

HE SAID THAT TO THIS POINT WE HAD BEEN DISCUSSING AGREEMENT ON THE TEXT OF A JOINT STATEMENT AND A SIMPLE LETTER FROM PARK NOTING HIS AGREEMENT TO THE DETAILS WORKED OUT BY THE GOVERNMENTS AND HIS WILLINGNESS TO APPEAR AT TRIALS IN THE US. WE NOW HAD FOUR CONDITIONS, TWO NEW, AND HAD EXPANDED THE CONTENT OF PARK'S LETTER.

4. HE THEN WENT THROUGH OUR SCENARIO POINT-BY-POINT: (1) A MUTUALLY AGREEABLE TEXT WAS OF COURSE A PRE-REQUISITE. (2) CONCERNING AGREEMENT TO SIGN A MUTUAL PROSECUTION ASSISTANCE AGREEMENT, WHILE HE HAD NOT SEEN THE TEXT, HE SAID THIS WOULD REQUIRE NEGOTIATION WITH THE MINISTRY OF JUSTICE AND COULD INVOLVE CONSIDERABLE DELAY. WE HAD ALL BEEN AWARE THAT AN AGREEMENT WOULD BE REQUIRED AND FONMIN HAD SOUGHT TEXT IN ADVANCE; HOWEVER, PREVIOUS STATEMENTS BY THE US HAD LED THE ROKG TO BELIEVE THAT SUCH AN AGREEMENT NEED NOT EVEN BE SIGNED. NOW AGREEMENT TO SIGN SUCH AN AGREEMENT HAS BECOME A REQUIREMENT. THIS MAKES IT MORE DIFFICULT FOR THE ROKG, IS NOT CONSISTENT WITH PREVIOUS USG STATEMENTS, AND MAY BE VIEWED BY SOME

AS AN EFFORT BY THE US TO DELAY SOLUTION OF THIS MATTER FOR WHATEVER REASONS. (3) REGARDING THE LETTER FROM TONGSUN PARK, PAK SAID WE HAD PREVIOUSLY DISCUSSED A SHORT FORM STATING AGREEMENT WITH THE CONDITIONS WORKED OUT BETWEEN GOVERNMENTS AND WILLINGNESS TO GO TO THE US AS NECESSARY FOR TRIALS. HE ADDED THAT WE WERE, OF COURSE, STILL NOT AGREED ON THE TIMING OF THE RECEIPT OF SUCH A LETTER. NOW, HOWEVER, PARK MUST SAY HE HAS READ BOTH THE JOINT STATEMENT AND
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THE MPAA, A PROCEDURE WHICH COULD PERMIT PARK TO NEGOTIATE THE TERMS TO BE INCLUDED. FURTHER, THE LETTER WOULD SAY HE WOULD ANSWER ALL QUESTIONS FULLY AND TRUTHFULLY. THIS IS THE PURPOSE OF THE OATH, POLYGRAPH, AND PERJURY PROVISION. NEXT, PARK WOULD HAVE TO STATE THAT HE WOULD SUBMIT TO A POLYGRAPH WHICH HE MIGHT NOT BE WILLING TO DO PUBLICLY BUT WHICH THE ORKG HAD ASSURED US IN THE GOVT-TO-GOVT AGREEMENT WOULD BE ALLOWED. AND FINALLY, HE WOULD MAKE THE EXPECTED STATEMENT OF HIS WILLINGNESS TO APPEAR IN TRIALS IN THE US. THE NEW POINT REQUIRED BY THE US, IN PAK'S VIEW, COMPLICATED THE PROBLEM OF OBTAINING THE LETTER FROM PARK TO A DEGREE THAT HE WAS AT THIS POINT UNABLE TO FULLY ASSESS. (4) FINALLY, REGARDING THE JOINT STATEMENT, PAK WAS CONCERNED AND HIGHLY IRRITATED AT THE REQUIREMENT THAT HUNDLEY, WHO HAS NOT BEEN PART OF THE GOVT-TO-GOVT NEGOTIATIONS, NOR IN COMMUNICATION WITH THE ROKG, SHOULD BE REQUIRED AT THIS POINT TO AGREE TO A PUBLIC STATEMENT BEFORE THE US GOVERNMENT AND THE ROKG WERE PREPARED TO ACT.

5. POLCOUNS RESPONDED BY SAYING THAT IT WOULD BE PREMATURE TO WORRY OVERLY MUCH AT THIS POINT ABOUT THE MPAA SINCE WE HAD NOT SEEN THE TEXT AND, SO FAR AS HE KNEW, IT WOULD NOT INCLUDE ANY NEW REQUIREMENTS. HE ASSURED PAK THAT THE CONCERN ON THE AMERICAN SIDE WAS TO HAVE ALL LOOSE ENDS TIED UP AND THAT WE SHARED THE ROK'S VIEW THAT WE SHOULD CONCLUDE THE AGREEMENT ON AND SOLUTION OF THIS PROBLEM AT THE EARLIEST POSSIBLE DATE. WITH RESPECT TO THE PARK LETTER, POLCOUNS ASSURED PAK THAT THE US ACCEPTED FULLY THE INTEGRITY AND GOOD FAITH OF THE ROKG. WE
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DID NOT HAVE SIMILAR CONFIDENCE IN TONGSUN PARK AND COULD NOT ALLOW HIM TO BE IN A POSITION OF DICTATING TERMS TO BOTHOUR GOVERNMENTS OR OF PLAYING GAMES REGARDING HIS AGREEMENT TO THE TERMS WE HAD NEGOTIATED.

FOLLOWING THHIS LENGTHY AND FORCEFUL PRESENTATION, WHICH DREW FULLY ON REFTEL B, PAK RESPONDED THAT THE POINTS MADE WERE VALID BUT THE ADDED DETAIL AND THE POSSIBLE APPEARANCE OF EXTREME ROK PRESSURE ON PARK MADE BOTH THE TIMING AND THE INCREASED DETAIL OF THE NEWLY PROPOSED LETTER DIFFICULT IF NOT IMPOSSIBLE. USG HADALREADY BEEN ASSURED THAT PARK DULLY FAMILIAR WITH DETAILS OF NEGOTIATIONS, INCLUDING SUBSTANCE OF POINTS WE NOW HAVE ADDED TO THE LETTER. POLCOUNS SUGGESTED THAT IN ORDER TO SOLVE TIMING PROBLEM HE WOULD RECOMMEND TO WASHINGTON A PROCEDURE WTEREBY PARK LETTER WAS RECEIVED BUT NOT REFERRED TO AT THE TIME OF ANNOUNCING THE JOINT STATEMENT OF AGREEMENT. ANNOUNCEMENT OF THE LETTER COULD BE LEFT TO PARK OR MADE AT A LATER DATE. HAVING THE LETTER, HOWEVER, WOULD ASSURE PARK'S RESPONSE TO THE PRESS, WHICH WOULD UNDOUBTEDLY POUNCE ON HIM FOLLOWING ANNOUNCEMENT OF THE GOVT-TO-GOVT AGREEMENT, WOULD BE POSITIVE RATHER THAN DAMAGING.

6. WITH REGARD TO THE PRE-AGREEMENT OF BOTH PARK AND HUNDLEY TO MAKE POSITIVE ANNOUNCEMENTS OF AGREE-
MENT TO FOLLOW THE STEPS AGREED BETWEEN THE ROKG AND THE USG, POLCOUNS ASKED IF PAK SAY ANY DIFFICULTY IN THIS REGARD WITH TONGSUN PARK. PAK SAID HE DID NOT BUT COULD NOT AGREE TO A RESTRICTION INVOLVING HUNDLEY WHO, TO THE BEST OD HIS JNOWLEDGE, IS NOT A MEMBER OF EITHER NEGOTIATING TEAM. POLCOUNS POINTED OUT THAT HUNDLEY WAS, OF COURSE, PARK'S ATTORNEY AND WOULD BE QUESTIONED BY THE US PRESS. PAK AGREED THAT THAT MIGHT BE SO, BUT WONDERED WHAT EFFECT A NEGATIVE STATEMENT BY AN ATTORNEY WOULD HAVE IF HIS
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CLIENT WERE MAKING A POSITIVE STATEMENT.

7. AT THE CONCLUSION OF THIS RATHER LENGTHY SESSION, PAK STATED THAT HE WOULD BEGIN AS SOON AS POSSIBLE TO CONSULT WITH RESPONSIBLE ODFICIALS REGARDING ACCEPTABILITY OF THE MODIFIED TEXT OF THE JOINT STATE-
MENT. HE EXPRESSED CONTINUED CONCERN, HOWEVER, OVER THE ADDED REQUIREMENTS ON STEPS REQUIRED PRIOR TO ANNOUNCEMENT OF AGREEMENT IMPOSED BY THE US SIDE AT THIS LATE DATE AND CONCERN THAT HIS REACTION MIGHT APPEAR MILD IN COMPARISON WITH THAT WHICH COULD BE EXPECTED AT HIGHER LEVELS.

8. AMBASSADOR'S COMMENT: I AM VERY CONCERNED THAT SCENARIO WHICH WE HAVE JUST PRESENTED TO ROK WILL SET BACK OUR NEGOTIATIONS WHICH WERE, IN MY VIEW, VIRTUALLY ON THE VERGE OF SUCCESSFUL CONCLUSION. POINTS MADE TO POLCOUNS BY PAK SANG YONG REGARDING ADDITION OF NEW

REQUIREMENTS AT ELEVENTH HOUR ARE VALID. I CAN UNDER-
STAND DESIRE TO WRAP UP ALL DETAILS IN ADVANCE GIVEN
PAST HISTORY OF THIS AFFAIR. BUT, IT IS NOW TIME TO
RECOGNIZE THAT ROKG HAS VIRTUALLY CROSSED THE RUBICON
ON RELEASE OF FACTS. WE ARE ASKING ROKG TO ACCEPT
CERTAIN RISKS, WHICH FROM THEIR VIEWPOINT COULD BE
INTERNALLY MOST DESTABILIZING. I SUGGEST IT MAY BE
TIMELY FOR US LIKEWISE TO ACCEPT A FEW RISKS, WHICH,
AS I SAID IN MY PREVIOUS TELEGRAM, WILL BE MINIMAL
COMPARED TO COST ROKG WILL PAY IF PARK TRIES TO BAIL
OUT AT LAST MINUTE. WE CAN REDUCE OUR OWN RISK OF
EMBARRASSMENT BY STATING THAT JOINT COMMUNIQUE WAS
SIGNED IN THE EXPECTATION THAT PARK WAS PREPARED
TO GO TO US AND WE AWAIT HIS CONFIRMATION.

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9. I, THEREFORE, QUESTION NEED FOR CONCLUSION OF PRIOR
AGREEMENT ON MPAA, ADDED DETAIL IN PARK LETTER,
AND PREAGREEMENT TO PUBLIC STATEMENT BY PARK AND
HUNDLEY AT THIS TIME. IT APPEARS TO ME THAT IF WE CAN
GAIN AGREEMENT ON THE TEXT OF THE JOINT STATEMENT
AND ON THE RECEIPT OF A SIMPLE LETTER FROM PARK PRIOR
TO ANNOUNCEMENT OF THE JOINT STATEMENT, OR IRONCLAD
GUARANTEE FROM THE ROKG OF QUICK RECEIPT OF LETTER
AFTER JOINT COMMUNIQUE, WE ARE MOST OF THE WAY HOME.
IT IS ENTIRELY POSSIBLE THAT THE ROKG WILL MISREAD
THIS EFFORT ON OUR PART AS AN ATTEMPT TO INDICATE THAT
WE ARE REALLY NOT REPEAT NOT INTERESTED IN AN EARLY
SOLUTION. REQUEST URGENT REASSESSMENT OF THE NEED
FOR THESE NEW ELEMENTS IN THE AGREEMENT PACKAGE IN
LIGHT OF DIRECTOR PAK'S REACTION AND MY OWN VIEW AS
STATED.

10. ROK COMMENTS ON HANDLING OF MODIFIED TEXT AND
ON TEXT ITSELF RECEIVED LATE PM DECEMBER 9 FOLLOW
SEPTTEL. SNEIDER. UNQUOTE CHRISTOPHER

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Message Attributes

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Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
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